

## REMARKS

### 1. Introduction

In the final Office Action mailed January 31, 2006, the Examiner rejected claims 1-21 under 35 U.S.C. § 103(a) as being unpatentable over Mosher et al., U.S. Patent Application Publication No. 2002/0099790 ("Mosher") in view of Granade et al., U.S. Patent Application Publication No. 2002/0103881 ("Granade"), and further in view of Schwartz et al., U.S. Patent Application Publication No. 2002/0160790 ("Schwartz").

Claims 1-21 are currently pending. For the reasons set forth below, Applicant requests reconsideration and allowance of the claims.

### 2. Response to § 103 Rejections

Of these claims, claims 1, 12, 18 and 19 are independent. The Examiner has rejected claims 1, 12, 18 and 19 as being unpatentable over Mosher in view of Granade and Schwartz. The Examiner has indicated that Mosher modified by Granade does *not* disclose receiving a list of available media content, wherein all media content in the list of available media content is compatible with the indicated transmission mode and therefore capable of presentation on the wireless handset. Instead, the Examiner has relied on Schwartz for this element. In response, Applicant submits that this rejection is improper because the Mosher/Granade/Schwartz combination does not disclose each and every element of claims 1, 12, 18 and 19, as set forth below.

Schwartz does not teach or suggest receiving a list of available media content, wherein all media content in the list of available media content is compatible with the indicated transmission mode. Instead, Schwartz is directed towards a method and system allowing access to the Internet

by two-way mobile communication devices capable of wireless communication with a link server. Schwartz discloses that information in a network server is a World Wide Web page that may be authored in Handheld Device Markup Language (HDML) (0060). A link server receives the HDML files that are then converted to screen description data according to the device characteristics of a mobile device (0060). The device characteristics may include the type and size of display screen and other information passed over the link server when a communication session is established between the mobile device and the link sever (0060).

Although the HDML files in Schwartz are converted to screen description data based on mobile device characteristics, the HDML files are not necessarily compatible with a selected *transmission mode*. This is because the transmission mode can limit the available media content differently than the *display* screen characteristics of the mobile device. For example, if a low data rate transmission mode is selected, then certain media content such as video may not be compatible with the selected transmission mode, even though the video content may be compatible with the *display* characteristics of the mobile device.

Indeed, as recited in Applicant's specification, the mobile device might not have a display screen at all (Specification, page 24, lines 9-10). If the mobile device does not have a display screen, the mobile device may still receive the media content that is compatible with a selected transmission mode. In contrast, Schwartz teaches that HDML files are converted to screen description data based on mobile device characteristics. In the Schwartz reference, if the wireless handset does not have a display screen, the HDML files cannot be converted to screen description data. Thus, Schwartz teaches rendering content to be compatible with the display screen characteristics of the mobile device rather than listing content that is compatible with an indicated transmission mode.

Further, in the Schwartz reference, neither the mobile device nor a user of the mobile device selects a transmission mode from a set of choices. Instead, the mobile device delivers to the link server a set of device characteristics information regarding the type and size of the display screen of the mobile device (0111). The mobile device does not have a choice of what type of mobile device characteristics can be sent to the link server. Consequently, Schwartz does not disclose the combination of selecting a transmission mode and receiving a list of media content that is compatible with an indication of the selected transmission mode. Thus, Schwartz does not teach or suggest receiving a list of available media content, wherein all media content in the list of available media content is compatible with an indication of the selected transmission mode and therefore capable of presentation on the wireless handset.

Accordingly, Applicant respectfully submits that claims 1, 12, 18 and 19 are allowable over Mosher, Granade and Schwartz. Applicant further submits that claims 2-11, 13-17 and 20-21, are also allowable for at least the reason that they depend from allowable claims.

### 3. Conclusion

Applicant submits that the present application is in condition for allowance, and notice to that effect is hereby requested. Should the Examiner feel that further dialog would advance the subject application to issuance, the Examiner is invited to telephone the undersigned at any time at (312) 913-0001.

Respectfully submitted,

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